

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

EMPLOYERS AND OPERATING)
ENGINEERS LOCAL 520 PENSION)
FUND, an employee benefit plan, et al.,)
)
Plaintiffs,)
)
v.)
)
R.C. CLARK, an individual, d/b/a)
T&T CONSTRUCTION COMPANY,)
)
Defendant.)

No. 10-cv-1042-DRH

ORDER

HERNDON, Chief Judge:

Before the Court is plaintiffs' dismissal without prejudice (Doc. 9). Federal Rule of Civil Procedure 41(a)(1) provides a plaintiff may dismiss an action without order of the court by filing a notice of dismissal before the opposing party serves either an answer or summary judgment motion. The defendant here has not filed an answer or motion for summary judgment. As such, the Court hereby ACKNOWLEDGES the dismissal without prejudice. The Clerk is DIRECTED to close this file.

IT IS SO ORDERED.

Signed this 6th day of July, 2011.

 David R. Herndon
2011.07.06 08:57:21
-05'00'

**Chief Judge
United States District Court**